



U.S. Department of Justice

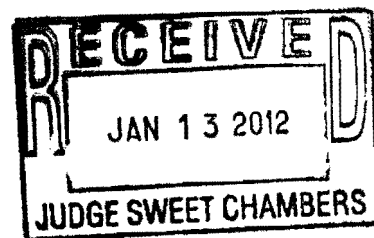
*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

January 13, 2012

VIA FACSIMILE: (212) 805-7925

The Honorable Robert W. Sweet
United States District Court
Southern District of New York
500 Pearl Street, Room 1940
New York, New York 10007



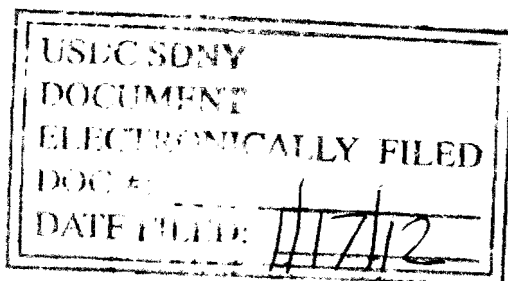
Re: United States v. Richard Dugan,
10 Cr. 00006 (RWS)

Dear Judge Sweet:

The Government respectfully submits this letter to propose to the Court a resolution to the issue that was remanded by the Second Circuit on December 5, 2011, namely, whether this Court's imposition of a condition of supervised release that the defendant not knowingly be within 1,000 feet of a reproductive health facility is narrowly tailored to serve a compelling government interest. *See United States v. Richard R. Dugan, et al.*, Nos. 10-4248-cr (L); 10-4537-cr (CON) (2d Cir. Dec. 5, 2011). The parties have conferred and propose that the Court amend this condition of supervised release to provide that the defendant shall not knowingly be within 50 feet of the front door of any reproductive health facility during the remainder of his term of supervised release. The parties would stipulate that such an amendment is narrowly tailored to serve a compelling government interest.

In light of this joint proposal, the parties do not believe that a hearing is necessary. However, to ensure that there is no confusion as to the terms of the proposed amended condition, and to ensure that the defendant understands this proposal, the Government respectfully requests that this matter be addressed and stipulated to on the record at the status conference originally scheduled by this Court. Your Honor's Courtroom Deputy, Mr. Chan, has confirmed that the Court continues to be available on January 17, 2012, and that the matter can be scheduled for 3:00 p.m.

Additionally, John Byrnes, counsel for the defendant, who is representing Mr. Dugan in this violation of supervised release matter, requests that the defendant be allowed to appear by telephone. The Government does not object to an appearance by telephone.



*So ordered
Sweet USDC
1-16-12*

Thank you for your consideration of this request.

Respectfully,

PREET BHARARA
United States Attorney

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cc: VIA E-MAIL
John Byrnes, Esq.
Attorney for the defendant